

Amendments to the Claims

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS

1. – 19 Cancelled

20. *(currently amended)*: A kit useful for determining a genotype of a subject or subjects at a defined polymorphic site at nucleotide position 12580 of SEQ ID NO:1 or a site in linkage disequilibrium therewith nucleotide position in a PAI-1 gene sequence from the subject or subjects, which genotype is ~~prognostic associated with a prognosis~~ of the subject's ability to recover from an inflammatory condition, the kit comprising, in a package:

- (a) a restriction enzyme with specificity that distinguishes alternate nucleotides at the polymorphic site or sites; or
- (b) an labeled oligonucleotide having sufficient complementarity to a sequence that is contiguous with or near the polymorphic site or sites such that the oligonucleotide hybridizes in a distinguishable manner to a sequence that comprises alternate nucleotide or nucleotides at the polymorphic site or sites;

~~with the proviso that the polymorphism is not solely at position 837 of SEQ ID NO:1.~~

21. *(withdrawn, currently amended)*: The kit of claim 20, wherein the polymorphic site in linkage disequilibrium with position 12580 is [[at]] one or more of the following nucleotide positions, in SEQ ID NO:1: 5645, 7121, 7437, 8070, 8406, 9463, 9466, 12219, 12580, 13889 and 14440 of SEQ ID NO:1.

22. *(currently amended)*: The kit of claim 20 [[21,]] for determining where the genotype polymorphic site is at nucleotide position 12580 of SEQ ID NO:1.

23. *(currently amended)*: The kit of claim 20[[21]] comprising said restriction enzyme of (a) and an oligonucleotide primer or a set of oligonucleotide primers suitable to amplify a region flanking the polymorphic site.

24. *(previously presented)*: The kit of claim 23, further comprising a polymerization agent that promotes or permits nucleotide polymerization.

25. *(currently amended)*: The kit of claim 20 [[21]], further comprising instructions for using the kit to determine the genotype of said subject.

26-28 Cancelled

29. *(new)*: The kit of claim 25, wherein the instructions instruct on use of the kit to determine the genotype of said subject in whom the inflammatory condition is SIRS, sepsis, septicemia, severe sepsis or septic shock.

30. *(new)*: The kit of claim 20, comprising the oligonucleotide of (b).

31. *(new)*: The kit of claim 30, wherein the sequence of the oligonucleotide of (b) is selected from the group consisting of SEQ ID NO:2, SEQ ID NO:3, SEQ ID NO:4, SEQ ID NO:5, SEQ ID NO:6, SEQ ID NO:7, SEQ ID NO:8, SEQ ID NO:9, SEQ ID NO:10, SEQ ID NO:11.

32. *(new)*: The kit of claim 30, further comprising one or more reagents for use in one or more of the following techniques for determining the genotype:

- (a) restriction fragment length analysis;
- (b) sequencing;
- (c) hybridization;
- (d) oligonucleotide ligation assay;
- (e) ligation rolling circle amplification
- (f) 5' nuclease assay
- (g) polymerase proofreading; and
- (h) allele specific PCR.

33. *(new)*: The kit of claim 30, wherein the technique comprises hybridization.

34. *(new)*: The kit of claim 30, wherein the technique comprises polymerase proofreading.

35. *(new)*: The kit of claim 30, wherein the determining comprises sequencing.

36. (*new*): A kit useful for determining a genotype of a subject or subjects at nucleotide position 12580 of SEQ ID NO:1, or a site in linkage disequilibrium therewith, comprising one or more oligonucleotides suitable for identifying one or more of the following genotypes at position 12580: 12580GG; 12580GT; 12580TT, which subject's genotype is associated with a prognosis for the subject's ability to recover from an inflammatory condition.

37. (*new*): The kit of claim 36, further comprising one or more reagents for use in one or more of the following techniques for determining the genotype:

- (a) restriction fragment length analysis;
- (b) sequencing;
- (c) hybridization;
- (d) oligonucleotide ligation assay;
- (e) ligation rolling circle amplification;
- (f) 5' nuclease assay
- (g) a polymerase proofreading method; and
- (h) allele specific PCR

38. (*new*): The kit of claim 37, wherein the technique comprises hybridization.

39. (*new*): The kit of claim 37, wherein the technique comprises a polymerase proofreading method.

40. (*new*): The kit of claim 37, wherein the technique comprises sequencing.

41. (*new*): The kit of claim 36, wherein the inflammatory condition is SIRS, sepsis, septicemia, severe sepsis or septic shock.

42. (*new*): The kit of claim 36, further comprising instructions for identifying the 12580 G allele as indicative of (i) a decreased likelihood of recovery from an inflammatory condition, or (ii) severe cardiovascular or respiratory dysfunction in a critically ill patient.

43. (*new*): The kit of claim 36, further comprising instructions for identifying the 12580 T allele as indicative of (i) an increased likelihood of recovery from an inflammatory condition or (ii) less severe cardiovascular or respiratory dysfunction in a critically ill patient.

44. *(new)*: The kit of claim 36, wherein the one or more oligonucleotides is selected from the group consisting of: SEQ ID NO:2; SEQ ID NO:3; SEQ ID NO:4; SEQ ID NO:5; SEQ ID NO:6; SEQ ID NO:7; SEQ ID NO:8; SEQ ID NO:9; SEQ ID NO:10; and SEQ ID NO:11.

45. *(new; withdrawn)*: The kit of claim 29, further comprising instructions for identifying allele 12580 G and/or one or more of the following alleles in linkage disequilibrium therewith: 5645 T; 7121 G; 7437 T; 8070 A; 8406 C; 9463 G; 9466 T; 12219 C; 13889 C; and 14440 A as indicative of: (i) decreased likelihood of recovery from an inflammatory condition; or (ii) severe cardiovascular or respiratory dysfunction in a critically ill patient.

46. *(new; withdrawn)*: The kit of claim 29, further comprising instructions for identifying allele 12580 T and/or one or more of the following alleles in linkage disequilibrium therewith: 5645 C; 7121 A; 7437 C; 8070 G; 8406 T; 9463 A; 9466 C; 12219 T; 13889 T; and 14440 G as indicative of: (i) increased likelihood of recovery from an inflammatory condition; or (ii) less severe cardiovascular or respiratory dysfunction in a critically ill patient, when compared to severity in a patient with one or more of alleles 12580 G, 5645 T; 7121 G; 7437 T; 8070 A; 8406 C; 9463 G; 9466 T; 12219 C; 13889 C; and 14440 A.